

### Remarks

The Election of Species Restriction Requirement that was mailed on October 5, 2005, has been received and reviewed. Claims 1-44 are pending and subject to a restriction requirement. No claims are amended herein. Four inventions were identified:

Group I: Claims 1-4, 12-21 and 26-27, drawn to a method of obtaining homologous recombination in somatic stem or progenitor cells comprising the steps of inserting a nucleic acid encoding a gene of interest into the somatic stem or progenitor cells in culture, classified in class 435, subclass 463.

Group II: Claims 5-11, 24-25, 28-30 and 40-44, drawn to a method of introducing homologously recombined somatic stem or progenitor cells to a subject or a method of gene therapy comprising administering to a subject a homologously recombined somatic stem or progenitor cell, classified in class 424, subclass 93.2.

Group III: Claims 22-23, drawn to a method of identifying a promoter in the nucleic acid and modifying the promoter to alter the expression of a product encoded by the at least one gene of interest in a cultured homologously recombined stem or progenitor cell, classified in class 435, subclass 455.

Group IV: Claims 31-38 are drawn to a homologously recombined stem or progenitor cell encoding a gene of interest capable of expressing a selected product, classified in class 435, subclass 325.

Applicants elect the claims of Group I (claims 1-4, 12-21 and 26-27) without traverse.

The claims of Group I were further subject to the following species election:

1. A single named somatic stem or progenitor cell or a specific mixture thereof recited in the Markush group of claim 13.

Claims 1 and 13 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the glial progenitor cells species.

2. A specifically named region of homology recited in the Markush group of claim 17.

Claims 1 and 15-17 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the RNAPolIII locus species.

3. A specifically named method or a specific combination thereof recited in the Markush group of claim 19.

Claims 1 and 19 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the lipofection species.

4. A specifically named growth factor recited in the Markush group of claim 27.

Claims 1 and 26-27 were indicated as being generic. In the event no generic claim is held to be allowable, Applicants elect the platelet derived growth factor species.

### **Conclusion**

If questions exist after consideration of the foregoing, the Office is kindly requested to contact applicants' representative at the address or telephone number below.

Respectfully submitted,



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